

|                                      |   |                      |
|--------------------------------------|---|----------------------|
| AMERICAN EMPLOYERS' INSURANCE        | : |                      |
| COMPANY, as subrogee of College Book | : |                      |
|                                      | : | Case No. 04-0178-SLR |
| Plaintiff,                           | : |                      |
|                                      | : |                      |
| v.                                   | : |                      |
|                                      | : |                      |
| SPX CORPORATION, UNITED DOMINION     | : |                      |
| INDUSTRIES, INC., THE MARLEY         | : |                      |
| COMPANY LLC, THE MARLEY              | : |                      |
| CORPORATION and MARLEY               | : |                      |
| ENGINEERED PRODUCTS                  | : |                      |
|                                      | : |                      |
| Defendants/Third Party Plaintiffs,   | : |                      |
|                                      | : |                      |
| v.                                   | : |                      |
|                                      | : |                      |
| T.A. RIETDORF & SONS, INC.,          | : |                      |
|                                      | : |                      |
| Third Party Defendant.               | : |                      |

### **JOINT MOTION TO CONSOLIDATE**

The Plaintiff, American Employers Insurance Company, as subrogee of College Bookstores of America, and Third-Party Defendant, T. A. Rietdorf & Sons, Inc., hereby jointly move for a consolidation of this action with the pending action before the Court captioned American Employers Insurance Company, as subrogee of College Bookstores of America, v. T. A. Rietdorf & Sons, Inc., Third Party Defendant, C.A. No. 05-63.

The instant action arises from the same set of facts and occurrences as the pending matter and involves the same parties to the action. The new action is the addition of direct claims by the plaintiff against the third party defendant arising from the fire at the Widener University School of Law bookstore.

The discovery that has occurred in the pending action will be applicable to the new matter and will not result in any undue delay of the cases. The parties to the new matter agree and stipulate that the most efficient manner in which to deal with the two action is a consolidation of the claims into the pending action.

There is no opposition by any party in the pending matter to the consolidation of these two cases.

**WHEREFORE**, the parties respectfully request that the Court grant the Motion to Consolidate this action into the previously filed and pending action identified above.

COZEN O'CONNOR

CHRISSINGER & BAUMBERGER

/s/Sean J. Bellew

SEAN J. BELLEW #4072

Chase Manhattan Centre

1201 N. Market Street, Suite 1400

Wilmington, DE 19801

Attorney for Plaintiff

/s/David L. Baumberger

DAVID L. BAUMBERGER, #2420

Three Mill Road, Suite 301

Wilmington, DE 19806

Attorney for Third-Party Defendant

DATED: June 21, 2005